

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, OCTOBER 3, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Ann Jo Jackson, Vice Chair
William Febiger
John Feener
Charlie Anderson
(Brandon Frontiero)

MEMBERS ABSENT

Arthur Socolow
Robert Gulla, Chairman

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Ms. Ann Jo Jackson opens the meeting introducing all members present. Ms. Jackson forgoes the reading of the agenda as there is no one present from the general public at this time.

**REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS
REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF
HEARINGS, ETC.**

200 MAGNOLIA AVENUE

Mr. Tom Webster for the applicant.

There is a request for a 1 yr. extension which was already voted on at a previous meeting. Signed by all members present.

DOGTOWN - CITY OF GLOUCESTER

The Agent notes that she has not received a plan that meets the GCC submittal requirements.

Mr. Feener notes his concern for a couple of items in the narrative re: Round Up and or Ro-de-o. He further noted pedestrian traffic as a concern.

It does not state in the narrative how much Red Maple and Buckthorn is to be removed if it is to be cleared.

The Agent notes that the applicant is sending mapping coordinates.

Mr. Feener notes this area as being a high traffic area with at least 20 people passing by him when he was at the site at 6:30 PM.

These issues will addressed at an upcoming meeting.

5 RACKLIFFE STREET

Tabled to 10/17/07. DEP number is still pending.

632 WESTERN AVENUE

The Agent notes that this was approved at the last meeting and the decision is ready for signing. Signed by all members present.

7:10 PM Mr. Febiger arrives and takes his place with the Commission.

PUBLIC COMMENT:

NONE as no one is present from the general public at this time. CLOSED

The Agent notes that the City Clerks Office has contacted her stating that the minutes of the meeting of the GCC for the past three years need to be addressed and approved.

There is a tentative date of 11/28/07 from 5PM to 7PM.

PUBLIC COMMENT PERIOD CLOSED.

AGENT'S REPORT ON VIOLATIONS

BEACHLAND AVENUE

The Agent states that a detailed and much appreciated Notice of Response was submitted by DeRosa. A site visit was taken to discuss moving forward to compliance with the NoI to follow.

LANES COVE LANDING

The Agent addresses the GCC stating this is a request for ratification of an enforcement order for work in a coastal resource area w/o a permits. Additional discussion is requested re: city implementation of resource restoration at Cedarwood Brook.

She further noted that she went on a site visit accompanied by Jim and Dave.

Two weeks ago the DPW dumped tons of stone at the coastal bank.

Ms. Jackson inquired with the Agent as to fines being levied.

Ms. Ryder stated that fines can be assessed as she has extreme concerns : re Cedarwood Brook. The Eng. Dept. has not received any requests re: design and/or oversight.

The Agent states that these are real concerns and requests the Commission consider writing a letter requesting that the job be contracted out or at the least under the guidelines of the Eng. Dept. She notes that oversight by the Eng. Dept. should be a requirement.

Ms. Jackson notes that a letter should be implemented with nothing to be done until plans are submitted to the Eng. Dept. and approved by the GCC. She further asked the Agent if a deadline is an issue with Ms. Ryder stating she was not sure on that.

Photos of Lanes Cove were reviewed at this time by the GCC members.

The Agent notes that they were talking about this being an emergency issue yet nothing is being done at this time. She will write up an Enforcement Order.

Ms. Jackson noted maximum fines should be implemented.

The Agent notifies the GCC that Sue and Leslie are working on an updated list of violation and enforcement sites to be submitted for review for the next meeting.

\$25,000.00 – DPW failure to submit an NoI with an additional \$25,000.00 per day thereafter for every day that the NoI has not been filed.

Mr. Febiger suggested maybe starting with \$15,000.00 to allow for the increase to \$25,000.00. Mr. Feener was ok with that.

Ms. Jackson states that maybe they should do the \$15,000.00 fine to DPW for failure to submit the NoI on or before 11/7/07 and if that is not done then go to the \$25,000.00 fine per day for every day not filed.

The Agent reads the full penalty to the GCC members.

Ms. Ryder reads the document explaining what was done and the violations that were made. No permit was filed. She notes the date of 10/24/07 for the letter to appear on 11/7/07.

Ms. Jackson states she will entertain a motion for the Enforcement Order, (2 enforcement orders, one local and one state.)

MOTION: Mr. Anderson moves to approve the Enforcement Order.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

PUBLIC HEARING

412 WESTERN AVENUE (Map 200, Lot 27) **NEW**

Request for Determination submitted by Alberta Bennett for installation of a geo-thermal heat pump system.

Mark Weissflog rep. the applicant is present as well as Ms. Bennett.

Mr. Weissflog detailed the system at length for the GCC to better understand the whole process of installation and how the system functions.

Cushing and Son will be hired for the drilling process of the project.

He notes DEP being involved with the utilization of transfer fluids. Three types were mentioned with Mr. Weissflog stating he would like to use Environol but notes that DEP is slow with the approval.

Ms. Jackson asked if the applicant was amenable to changing the fluid and Mr. Weissflog stated that the applicant has made herself very knowledgeable re: the system as a whole.

Mr. Weissflog notes that Glycol is used for this and further noted that Environol is alcohol based. The ATF has registered this as a controlled product with the potential for misuse. If there is a rupture the heat pump shuts down or the a/c, whatever the case may be at that particular time. He notes that there is a very low risk for failure with a trench dug approx. 4 ft. deep with connections used that is like a welding plastic.

Further discussion was had re: the thermal transfer process.

Mr. Feener inquired as to the hazard rating with Mr. Weissflog stating Environol as a 0 (zero) risk and Glycol is rated 2 (two) with a moderate risk. Environol is a closed loop fluid. He further noted that the drilling will be done by a certified driller registered with DEP. Closed and open loop was discussed further. Mr. Weissflog noted that the service life of the pipe is 55 years with preventative maintenance to be done.

The Agent notes that MSDS sheets need to be submitted with Mr. Weissflog stating he has the sheets with him and can submit them this evening.

Mr. Febiger inquired as to the impact to groundwater and Mr. Weissflog explained in detail the impact or lack of.

Ms. Jackson notes that groundwater is a concern.

Ms. Ryder notes that the Environol is a step in the right direction and that Environol could be noted as a condition.

Mr. Anderson states that this is the type of project we should be encouraging.

Mr. Weissflog stated that he will email sites of interest to the Agent for review.

He would like to have a vote re: the request for determination.

MOTION: Mr. Anderson moves for a negative determination pending DEP approval of Environol which is to be used.

SECOND: Mr. Febiger seconds the motion with a negative determination and no adverse impact. (-3, +2B, +5) VOTE: 5-0 all in favor.

281R MAGNOLIA AVENUE (Map 206, Lot 9)

Notice of resource area delineation submitted by Willard Perkins for Hearthstone Realty Corporation. The applicant has requested a continuation to 10/17/07 8:30 PM.

The Agent notes that the third party review account has been set up and the review is expected to start by the end of this week.

PUBLIC COMMENT: none

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

607 WESTERN AVENUE & 171 MAGNOLIA AVENUE (Map 199, lots 11 and 13, and Map 198 lot 20.)

Notice of Resource Area Delineation submitted by Michael Maynard for Magnolia Co. Limited Partnership.

The applicant has requested a continuation to 10/17/07 8:30 PM.

The Agent notes that the third party review account has been set up and the review is expected to start by the end of this week.

PUBLIC COMMENT: none

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

17 HORTON STREET (Map 128, Lot 22)

Notice of Intent submitted by Theodore Williams to construct a pier, seasonal gangway and float. This was a continuation from a previous meeting.

The Agent briefs the GCC noting that no new information or redesign has been presented with the notes from 9/5/07 that still apply. Coastal bank resource is key resource on the site. As presented, the application includes removal of vegetation and armoring of small remaining undisturbed coastal bank on the site. The existing pathway can be utilized.

The plan will be amended to access for the proposed float and dock w/o further impacting undisturbed coastal bank. DEP has questioned whether the site is within DPA.

No request for continuance was submitted to date.

LETTER PERMITS

25 ROGERS STREET

Amend 28-1819; Aqua Corp.

This is in regards to allowing the installation of a transformer on abutting property.

The Agent reviews the site plan with the GCC and states she has no concerns.

Ms. Jackson states she will entertain a motion to approve a Letter Permit.

MOTION: Mr. Feener

SECOND: Mr. Anderson VOTE: 5-0 all in favor

DEWSNAP ENGINEERING

The Agent notes that this is a landscape plan for review and acceptance.
This is before DEP. Ms. Heidi Davis is asking for approval

NEED WHAT IS TO BE APPROVED AND THE REQUIREMENTS OF THE GCC,
FROM.....MARIE.....

Mr. Feener notes U Mass Extension stating that they have a new order re: tree depth which is in regards to not burying the root flair. He noted this as being a standard condition.

The Agent states that she will note that as a condition from now on.

Ms. Jackson states she will entertain a motion to accept the landscaping plan.

MOTION: Mr. Feener

SECOND: Mr. Anderson **VOTE:** 5-0 all in favor

17 HORTON STREET (Map 128, Lot 22)

Notice of Intent submitted by Theodore Williams to construct a pier, seasonal gangway and float.

Ms. Ryder requests a continuation as the gentleman involved came in to the meeting earlier and requested a continuance to 11/7/07 8PM.

PUBLIC COMMENT: none/closed.

Mr. Anderson states that he cannot agree with the 8PM slot regarding people requesting continuances. Ms. Ryder stated a time of 9:30.

Ms. Jackson states she will entertain a motion for the NoI to be continued to 11/7/07 9:30 PM.

MOTION: Mr. Anderson

SECOND: Mr. Feener **VOTE:** 5-0 all in favor.

644 ESSEX AVENUE & 3 & 7 WELCH LANE (Map 237, Lots 109 and 114) **NEW**

Roger LeBlanc for a Resource Area Delineation.

Mr. William Manuell rep. the applicant.

The plan was reviewed by the GCC.

Mr. Manuell states that an OoC for 644 Essex was previously re: sewer, water line and refreshed flags with new flags as well.

A site visit was done with Ms. Ryder in attendance.

In one area noted as B8 a flag was moved 3 ft.

Mr. Manuell states he is here for the issuance of a Determination of Resource Area Delineation.

Ms. Ryder notes that this is a fairly easy delineation.

B5/B6 noted as a clear flow channel culvert pipe under Welch Lane. Further noted was little D on the map by Wetland flag 41 and 42 to the corner of Welch Lane.

There are two streams that converge which are intermittent, now completely dry with photos taken at that time.

Below the well house, noting B4, B1 scouring under the bank.

Mr. Anderson notes that the intermittent stream is not shown on the plan.

Ms. Ryder notes that adjacent to flags B13 to 17 stating that there is a huge stockpile of glass was dumped in that area which is adjacent to the Wetland as noted on the plan. She went on to say that she is not sure what else was dumped in the area but it is a tremendous safety hazard with layers of sharp and broken glass at the surface. She recommends that any project proposed should consider a clean up of the area.

DEP has no comments

She further notes that she has no concerns regarding the delineation.

PUBLIC COMMENT: re: the Resource Area Delineation.

Mr. Joel Swann 648 Essex Ave, inquires as to how much of the area was re flagged and points to the upper right hand corner of the plan.

Ms. Ryder states that the flags are to the edge and it is a fairly narrow area with probably less than 12 ft. of mowing.

B3, B23 and B24 were noted re: the culvert pipe as well as B5.

Mr. Swann inquired as to clear cutting and Ms. Jackson states that nothing can be done at this time.

Mr. Swann states that this being the second meeting he was never notified of the first meeting.

The Agent notes that nothing has been submitted for work to be done.

CLOSED

Ms. Jackson notes that the only work that can be done is outside the buffer zone.

Ms. Jackson states she will entertain a motion to accept the delineation.

MOTION: Mr. Anderson moves to accept the delineation.

SECOND: Mr. Frontiero Ms. Jackson notes no conditions.

VOTE: 5-0 all in favor

(Letter Permit) – **INTERSHELL HARBOR LOOP**

The Agent states that she has photos in her camera and reviews the site plan with the GCC. She notes the orange area on the plan which is to be enclosed.

Mr. Feener inquires as to runoff and Ms. Ryder states possibly existing catch basins but is not sure at this time.

Mr. Febiger notes that there is a lot of pavement in that particular area.

The Agent states it is a U shaped structure with filling in between.

Prior to the issuance of the permit we need measurements and photos in the file.

***** to close the line down.

Ms. Jackson states she will entertain a motion to approve the Letter Permit.

MOTION: Mr. Feener moves to approve the Letter Permit

SECOND: Mr. Febiger VOTE: 5-0 all in favor

118 ATLANTIC AVENUE

The Agent summarizes for the GCC noting that this would be a modification to add stairs and the applicant is requesting an amendment to reflect the request. This is in riverfront.

Ms. Jackson states she will entertain a motion to accept the Letter Permit to modify the plan for the stairs.

MOTION: Mr. Febiger

SECOND: Mr. Anderson VOTE: 5-0 all in favor

8:26 PM Recess for 5 minutes

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

BRACE COVE ROAD AND NILES POND CAUSEWAY (Map 134, Lot 28)

Notice of intent, after the fact, submitted by the Eastern Point Residents Assoc. for storm response work, future protocol of storm damage and the spreading of sand.

Mr. William Manuell rep. the Assoc. states that he thinks we have a good maintenance plan to bring to the GCC this evening.

The Agent, Mr. Manuell and an Assoc. member flagged out the reclamation area and photos have been submitted. Any stipulations are in regards to what can and cannot be done and Mr. Manuell is asking the GCC for approval of the plan.

Ms. Ryder notes that comments were sent out and Mr. Manuell amended issues keeping in mind that the primary maintenance is of the causeway post storm.

She recommends additional willow shrub plantings be in place to replace those damaged and to clearly mark the limits of allowed reclamation along with the stabilization of soils post reclamation and a mortality on the plantings as well.

She noted no further new comments at this time and states that Mr. Manuell has a good plan and that he met what the GCC has asked of him.

Mr. Feener thanked Mr. Manuell for the well done plan and stated it seemed to be great. He further noted this area as being a harsh environment and that there is a need to consider the mortality rate of the plantings.

Mr. Manuell notes that he worked it out between Ms. Ryder, The GCC and the Association. The soil conditions are very poor in that area and the Association does not want to be held up to accountability after every storm and the damage that is done from that. He notes photos on pages 10 & 11 as being all annual growth. He would like to see natural growth as opposed to nursery stock plantings. He stated that the area is pretty level with seasonal growth.

Ms. Jackson states that if this is considered mitigation then it needs some sort of mortality rate.

Mr. Manuell stated that the Assoc. does not want to guarantee replacement.

Ms. Jackson notes that this is a good plan and a wonderful start to aid in protecting the area.

The last paragraph on page 3 of the Management Plan was noted re: a catastrophic event.

Ms. Ryder notes the point of having a mortality rate and that the willows are the line and if they go for some reason so goes the line.

Ms. Jackson notes that we need to have some point of reference to take a measurement.

Ms. Ryder notes going back to the cement post instead of the willows.

Mr. Anderson notes that he agrees that a more permanent marker is needed.

Mr. Febiger notes that we got away from that as this was noted as a barrier beach.

Mr. Anderson states that he does not think natural vegetation alone would work.

Mr. Manuell notes in the absence of markers the cemented post in a gale would be flagged and gale/culvert measurements taken and recorded.

Mr. Anderson and Ms. Jackson both stated they were ok with that.

Ms. Jackson notes page 5 and in two different areas of the page the word "WRITTEN" should be inserted as in prior "written" approval.

Page 6 in re: work underwater and having some kind of way re: pre storm conditions.

Mr. Manuell states that an open culvert is where they were headed with that issue.

Page 13 and Page 14 were discussed as well in relation to the culvert.

The Agent notes that soil stabilization, possible rip rap and plantings all should be discussed with a formal agreement made.

Mr. Anderson notes that in the photos regarding plantings, there is an indication of some re-vegetation in the area.

Regarding the possibility of proposed willow shrubs (6), he has to agree with Mr.

Manuell noting that it would not be easy to find 6 places where willows would take.

The Agent notes this being an inland bank and you would be armoring the bank if you rip rap in that area. Specific Performance Standards have to be met.

Mr. Manuell disagrees stating he would not say it is an inland bank, an inland side but not an inland bank.

He states, in relation to the Performance Standards: maintaining the waterway, impediment of the capacity and watching out for wildlife.

He feels that the importation of stones re: stabilization can be consistent with the requirements of the Performance Standards.

The Agent states that she completely disagrees. How about if we don't define the bank and waive that decision. The fact that it does not have habitat is ridiculous.

She noted a soil stabilization fabric that decomposes and further stated that if you are disturbing the soil then you need to stabilize it.

Mr. Manuell notes the cost of Wetland Seed Mix at about \$125.00 a pound with natural restoration as the result. He notes photos taken in September with the area restored on its own. The Agent points out that September was five months ago and the Commission allows 21 days. Ms. Ryder states that some type of soil stabilization is needed and that the area is relatively low, sparse and stressed. She further noted that there are standard requirements for soil stabilization.

Mr. Manuell stated that it is not an appropriate technique to cover the seed as you may be impeding the growth and suggests natural stabilization.

The Agent reminds the GCC that Mr. Manuell has argued in regards to this plan, that this is not a coastal resource with Mr. Manuell stating that the causeway is a structure and not a resource area and from a coastal environment, with the separation of the causeway, it becomes inland.

PUBLIC COMMENT:

Mr. Joe Shallenno states that we have had low rainfall this season in relation to his garden and that what is there is working and the environment will create plantings relative to reclamation of the area. He states that this year we had a bad growing season.

Mr. Ben Hershey states that he walks the area daily and the ragweed is 6 ft. high.

The Agent states that the outstanding factors are stabilization and mortality.

Mr. Anderson noted that we shouldn't drag this out with just this issue.

The Agent notes her concern regarding the degradation of the willows. There is a potential to stuff washing into the pond. The Agent notes the planting of any empty holes and 6 willows, getting a decent vegetative buffer that will not be touched.

Ms. Jackson inquires as to what is in the area at this time and Mr. Manuell stated ragweed, ****weed and phragmites.

Mr. Feener inquired as to any other suggestions for plantings other than willows with the Agent stating that willows grew well in that area until the excavator ripped up the roots.

Ms. Jackson stated that they should replant 6 willows and more if necessary.

Mr. Febiger noted that being possible, if there is enough additional space.

Mr. Manuell stated that there are lots areas with shrubs and they are not looking to completely fill it and Ms. Ryder responded stating that is where we disagree.

Mr. Febiger notes that there could be a range of plants w/o being specific.

Ms. Jackson stated that her general feeling was that more plantings were needed.

The Agent notes 10 to 15 flags just to measure along the work line. She further noted the placing of cement boulders by the Assoc. if they don't want to do any additional plantings. Ms. Jackson noted the possibility of 10 willows.

The Agent explains in detail willows and phragmites.

Mr. Feener noted the possibility of smaller willows.

The Agent notes that the phragmites will have to be clipped so that eventually the willows will end up shading it. She notes putting a bit of soil around them and no fertilizer and suggested maybe a volunteer from the Assoc. would offer to clip the phragmites.

Mr. Feener notes that spring time is better time to plant and with the mortality issue it would not be fair to have the Assoc. continue to replace them.

Ms. Jackson states that she will entertain a motion to accept the Management Plan for the Maintenance of Niles Pond Causeway and Preservation of Niles Pond with aforesaid conditions: 10 willows to be purchased with a 1 year mortality rate, not in the event of a storm loss, the maintenance of the willows until they are established with an estimated time of 3 to 5 years, soil around the base of the willows, permanent markings to delineate the gate and culvert, the word "written" be inserted on Page 5 as aforementioned.

MOTION: Mr. Anderson

SECOND: Mr. Feener VOTE: 5-0 all in favor

458 WASHINGTON STREET (Map 109, Lot 1)

Notice of Intent #28-1889 submitted by Frank Piraino to construct a seasonal gangway and float on Mill River.

Mr. William Manuell rep. the applicant notes the plan and discusses with the GCC what was agreed upon. Ms. Ryder is in agreement but notes that Dave Sargent needs to see more detailed information.

Mr. Anderson stated that he would like to move along with this plan and is against waiting.

The Agent states that it would seem disrespectful to Dave Sargent not to have him review this as he has consistently reviewed these issues in the past. Dave needs to see the detailed plan and statement as well as the statement for Shellfish.

The size of the floats are not what the GCC normally accepts.

Ms. Jackson notes that the size of the floats needs to be given to Dave Sargent so he can make his comments.

The Agent notes the float being 8 x 16 which exceeds what is normally allowed and would personally like to see a series of pilings. They want to avoid a 91 filing.

Mr. Manuell notes that all that is shown is seasonal.

Ms. Jackson states that they should have comments from Shellfish and continue the matter at this time. If Dave does not comment on the size of the floats we will continue this again unless the Agent has further information.

Ms. Jackson states that she will entertain a motion to continue the matter.

MOTION: Mr. Febiger moves to continue the matter to ***** at 7:05PM

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

3 THURSTON LANE (Map 100, Lot 6) **NEW**

Tim Corrigan to maintain newly constructed terraced retaining wall, stone patio and stairs in a riverfront area.

Ms. Ann Marie Josephson the applicant states that the contractor did not consider the river front area and states he was 100 ft. from it.

Mr. Manuell rep. the applicant looked at the site and the work that was done.

This is a 6000 ft. lot with a new patio behind the house. This area was grass and weeds. The patio is flagstone with stone underneath. They would like to put sand in the joints which is not impervious. The size of the patio is 450 to 500 ft.

Ms. Josephson states that with the NOI she would like to put boulders along the street at the front slope and would like to fix that and plant the slope with vegetation.

There is a slope inside the yard which she would like to have vegetation as well which are areas around the patio along with foundation plantings. She states that they will give as much vegetation as they can for the patio.

Ms. Jackson notes that what is needed are exact measurements and all analysis done.

Mr. Manuell notes that Ann Marie really desired to have the patio.

He notes alternatives and mentions a garage and door w/existing back door. He would like some feedback regarding alternatives.

The Agent notes that the work that was done was performed w/o a permit. She explains the regulations and states that you have to show alternatives through analysis. You need to show the alternative analysis going through the Performance Standards in relation to as built and what is desired.

The patio is 10 ft wide and 38 ft. long.

The Agent notes that this is a good opportunity to do the alternative analysis to show that what is there could be allowed or not.

Photos were reviewed by the GCC.

The Agent notes that this has to be viewed as not being done yet.

Ms. Jackson notes that the alternative analysis needs to be done and exact measurements of mitigation area and patio.

Ms. Ryder states that she appreciates the applicant's quick response to these issues.

Ms. Jackson states she will entertain a motion to continue the matter.

MOTION: Mr. Feener

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

71, 73 and 79 CONCORD STREET (Map 234, Lot 38, 39 and 42)

James McDonough, Michael K., Jim Ward, Brian Pennelton, Jeff Wilson and Mike Seacamp all present.

They have requested NE Environmental for the peer review.

Mr. Mike Seacamp from NE Environmental presents an overview of the project to the GCC. Noting the plan he states that there is a perennial stream going through the property which receives a lot of runoff from Rte. 128.

BVW off Concord Street in regards to the Wetland impact. He notes 2 to 1 and this creates a 50,000 sq. ft. of Wetland. They would like to incorporate low impact development techniques as best they can regarding this site. He notes a Red Maple swamp and the separation of an old and new channel. There is an exposed channel where the stream is buried and underground. He pointed out on the plan the areas of BVW that will have no proposed activity.

Mr. Jeff Wilson notes this project as being a learning experience and an example for other projects when working with Commission groups as stewards. They want to take extreme measures to infiltrate. He notes a major modification re: the treatment of storm water. He notes a shaded area on the plan and notes to the Commission that when the maple leaves fall sediment is mixed with organic materials with a minimal increase in elevation. He notes that the site was traced back to the mid 1800's when it was grass and not a swamp. The quality of the existing channel as it exists today has a lot of sediment in it. He notes Paul's Island Swamp and states that the quality of the water is awesome with the temperature of the water being 54 degrees. They would like to realign the stream with invasives being removed and composted on site. There are proposed woody species, willows and speckled alder to be planted on site. The phragmites will be snipped to allow the willows to grow above and the phragmites will be shaded out. This process takes about 5 to 7 years. In regards to the hydrology, they will maintain the existing channel, leaving the existing channel in place while excavating a new channel at Paul's Island Swamp where both will meet. The connection serves as a creation to achieve pristine water as the flow from Rte. 128 will be diminished. The existing storm channel will be intermittent. The north basin water has thermal issues and they want to daylight it and bring down a parallel channel to Paul's Island Swamp. This process would maintain a high quality water and allows us to maintain this as a high quality fishing area. This process allows us to cool the stream and create a greater volume. He describes water temperature as well as pointing out different areas on the plan having water. He notes storm water treatment ideas in relation to the parking area as well as the red maple swamp and detention basins on site. He feels all of this will function very well and increase flow and cool it. He further noted habitats that will include smelts and brook trout. With a cleaner water solution the creation of a breeding habitat for trout. He notes three agencies that will be in partnership with the project: Essex County Greenbelt, Essex Agricultural School (The Aggie) and UNH/Trout Unlimited Mass Wildlife, Mass Audubon and the Cestial Group.

Mr. Anderson inquired as to reason for a pool for smelt spawning and Jeff states that it is to create a mixing pool. He notes bringing the header tide to the site to maintain it. He noted a Trout Unlimited meeting noting the Heritage population to consider and late October or November to find them if they are in little pockets of water.

Mr. Brian Pennelton noting the site plan points out the proposed store and parking lot. He further discussed infiltration and drainage patterns.

Mr. Anderson inquired as to the runoff from Rte. 128.

Brian states that there will be plunge pools to remove a lot of sediment and introduce a path for maintaining plaques noting the restoration of fish.

Mr. Anderson inquires as to how they will handle the melting of snow and Brian stated contours will be created to create a berm which is not shown on the plan at present.

Mike Seacamp described a system used at Logan International Airport that collects and melts the snow on site.

Mr. Febiger states that the restoration plan looks great. He asks what efforts have been made to keep away from the Wetland.

Brian states that they are making an effort to stay away from that.

The Agent states that Chief McKay may have a concern regarding trucks loading and unloading.

Mr. Feener inquires as to the servicing of the parking lot in relation to trash from the site going into the Wetland.

Mr. McDonough specifies that the maintenance of the plan can all be worked out.

He notes the total number of restoration and mitigation with Wetland impact at 1800 sq. ft., with 2 to 1 mitigation. creating 53,000 sq. ft of Wetland including 3600 sq. ft of mitigation along with the 50,000 sq. ft created.

PUBLIC COMMENT:

Ms. Kathy Hurlbert 16 Causeway Street inquired as to trout needing a pond and Mr. Anderson states that they do not need a pond.

Kathy denotes the trees on the pond noting that the trees should be between the street and the brook in relation to the sun.

Mr. Anderson notes pg 5, with Mr. Seacamp stating that this refers to the inland bank and that they are actually increasing it beyond one to one.

Mr. Joe Schellino states that he feels this project could be a model and that the gentlemen have provided a very detailed presentation. He states as a recommendation that Essex Greenbelt would be a perfect steward.

PUBLIC COMMENT CLOSED

Ms. Ryder states that she feels this is an incredibly exciting project. She feels the GCC should consider the peer review. The applicant has requested New England Environmental.

Ms. Jackson states that she has no problems with NE Environmental.

Mr. Anderson notes that the Planning Board should be asked for all input in regards to what the 3rd party reviewer would do.

Ms. Jackson states she will entertain a motion to approve New England Environmental to coordinate with the other boards and the applicant work with the 3rd party reviewer.

MOTION: Mr. Anderson

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

MOTION: Mr. Febiger moves to continue the matter to 12/05/07 9:30 PM

SECOND: Mr. Anderson VOTE: 5-0 all in favor

667 ESSEX AVE

(Letter Permit) - #28-1655 replacement of trees lost during construction. The Letter Permit is needed for the CoC to be issued.

The Agent notes 6 Australian Pines and 5 Choke Berry as replacements.

Mr. Feener states that Australian Pines are not indigenous and Hemlock trees would be a better replacement.

Ms. Jackson states she will entertain a motion for the approval of the Letter Permit with an amendment to include Hemlock and Choke Berry.

MOTION: Mr. Feener moves to approve the tree replacement as amended.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

436 WASHINGTON STREET (United Methodist Church)

The Agent notes that the Engineering Dept. will re-grade and re-surface the parking area. She questions why it is a City issue but has no problems with this.

Mr. Anderson inquires as to whether or not the GCC is to wait until the Eng. Dept. give it their approval. The Agent states that it is the Eng. Dept. who is applying for this permit.

Ms. Jackson states she will entertain a motion to approve the issuance of the Letter Permit.

MOTION: Mr. Febiger moves to approve the Letter Permit

SECOND: Mr. Anderson

VOTE: 5-0 all in favor.

REQUEST FOR EXTENSION PERMIT

FOLLY POINT ROAD (#28-1604)

Ms. Ryder reviews the issues with the GCC noting that site photos and notes from her assistant are available for review. She recommends the requirement of proof of compliance with a decision to date, prior to issuing an extension.

She states that this is an absolute mess and the fill has exceeded what was permitted.

The erosion control needs to be corrected.

She suggests they vote to table this for 2 weeks to give them time to clean up their act.

At that time we can then have them come in and ask them why and what are they doing to maintain in regards to maintenance

Ms. Jackson states she will entertain a motion to table this pending the clean up and that they come before the GCC to detail their plans to remediate and maintain the site.

MOTION: Mr. Feener moves to table along with the above stated stipulation.

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

The Agent notes that the Commission needs to approve and sign off on the quote from Peter Rosen.

Ms. Jackson reads from a notification from Peter Rosen dated 09/26/07 regarding the Coastal Geology Review. It is noted that Mr. Rosen quoted a figure of 17 hours worth of work (and mileage) for a total cost of \$2649.00.

MOTION: Mr. Anderson moves to accept the proposal.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

Ms. Jackson states she will entertain a motion to adjourn.

MOTION: Mr. Feener moves to adjourn

SECOND: Mr. Anderson VOTE: 5-0 all in favor. Meeting adjourned

Respectfully submitted,

Carol A. Gray
Recording Clerk

All members present sign the document for 12 Rio Drive.

DRAFT